

Message Text

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ACTION L-03

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E.O. 11652: N/A

TAGS: UNGA, PFOR, AS

SUBJECT: UNGA LEGAL COMITE : WEO GROUP MEETING ON
DIPLOMATIC ASYLUM

1. SUMMARY WEO GROUP MEETING CONVENED THURSDAY
MORNING SEPT 26 TO DISCUSS DIPLOMATIC ASYLUM (DA) .
AUSTRALIAN DEL BEGAN BY DETAILED DISCUSSION DA,
INCLUDING PASSING REFERENCE TO ITS PRACTICAL PITFALLS
WHILE STRESSING HUMANITARIAN ADVANTAGES. NO ONE
OPPOSED CONSIDERATION OF ITEM IN COMITE 6, THOUGH
SEVERAL URGED CAUTION AND NEED TO HAVE AN END RESULT
FOR THISSESSION CLEARLY IN MIND FROM THE BEGINNING.
AUSTRALIANS AT THIS POINT DO NOT HAVE A FIRM IDEA OF
WHAT THEY WISH PRESENT GA TO DO ON DA ITEM. END SUMMARY

2. AUSTRALIAN DEL GAVE LENGTHY BACKGROUND STATEMENT
ON DA REFERRING IN PASSING TO SUCH DIFFICULTIES AS
SAFE CONDUCT AND GENUINENESS OF INDIVIDUAL REQUESTS
FOR ASYLUM. SAID THESE VERY PROBLEMS MIGHT BE RESOLVED
AS RESULT CONSIDERATION OF ITEM. AUSTRALIAN, INSTEAD
EMPHASIZED HUMANITARIAN ASPECTS OF DA, AND CITING
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RECENT CHILE EXPERIENCE, STATED EVEN THOUGH IT

HIGHLIGHTED UNCERTAINTY WITH WHICH DA VIEWED, WAS GOOD
EXAMPLE DA PERFORMING NEEDED HUMANITARIAN SERVICE.

AUSTRALIAN STATED THE OPTIMUM AUSTRALIAN WANTED FROM
SIXTH COMITE WAS A DECLARATION ON PRINCIPLES OF DA,
AND THAT THEY DID NOT ANTICIPATE SUCH DECLARATION
WOULD BE DRAFTED THIS SESSION, BUT PERHAPS DURING
30 TH GA. FOR THIS SESSION, AUSTRALIANS WOULD BE SATIS-
FIED WITH FULL AND FRANK COMITE SIX DISCUSSION OF DA,
WITH UNDERSTANDING THAT DA ITEM WOULD NOT BE BURIED ,
BUT WOULD BE CONSIDERED AGAIN SOON BY GA.

3. EIGHT WEO DELS (CAN, DEN, UK, USA, NETHERLANDS,
FR, FIN AND GELG) COMMENTED DURING MEETING. CONSENSUS
APPEARED BE THAT DELS DID NOT WISH TO SEE PRESENT
SESSION DRAFT ANY INSTRUMENT ON SUBJECT. ALL WERE
WILLING IN VARYING DEGREES TO HAVE DISCUSSION OF
ITEM. UK DEL POINTED OUT AUSTRALIAN DEL UNDERSTOOD
THE DIFFICULTIES INHERENT IN DA. USDEL EXPRESSED
DOUBTS ABOUT ADVISABILITY OF DISCUSSING ITEM IN GA,
THOUGH US WOULD LOOK FORWARD TO A DEBATE WHICH
RESULTED IN ITEM BEING REFERRED TO PROPER FORUM,
LIKE ILC. FURTHER, US DEL WOULD NOT WANT THIS TO
BECOME A LONG-TERM ITEM OF COMITE 6. US DEL STATED
USG POLICY WAS NOT TO GRANT ASYLUM AND SUGGESTED THAT
CONCEPT RAISED NUMBER OF PROBLEMS, QUERIED
WHETHER IT COMPATIBLE WITH PURPOSE OF DIPLOMATIC
MISSIONS AND SUGGESTED THAT WHAT WORKED IN UNIQUE
LA CONTEXT MIGHT TURN OUT VERY DIFFERENTLY IF APPLIED
IN MORE HETEROGENIOUS CONTEXTS. SEVERAL DELS EXPRESSED
REPEATED CONCERN THAT TANGENTIAL ISSUES SUCH AS
TERRORISM, PORTECTION OF DIPLOMATS CONVENTION AND NATIONAL
LIBERATION MOVEMENTS, MAY BE INSERTED INTO DEBATE BY
TROUBLESOME DELS. THUS WHILE DELS SYPATHETIC ON
HUMANITARIAN ASPECTS OF ITEM, SERIOUS QUESTIONS REMAINED.

4. WHENQUERIED AUSTRALIAN STATED THAT HIS DEL HAS
NO DRAFT RES PREPARED FOR CONCLUSION THIS ITEM AT THIS
GA, AND ADMITTED THAT TANGENTIAL ITEMS COULD BECOME
INVOLBED. HE SAID HIS DEL IS OPEN TO SUGGESTIONS,
AS LONG AS SUGGESTION INCLUDES MEANINGFUL FUTURE
CONSIDERATION OF ITEM.

5. ON PROCEDURAL QUESTION, CANDEL SUGGESTED A RES
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WHICH WOULD REFER THIS ITEM TO ILC. CANDEL ADDED THAT
RES COULD INSTRUCT ILC TO TRANSMIT A REPORT OF ITS
INITIAL WORK TO STATES FOR COMMENT, AND, ITEM WOULD
BE RETURNED TO COMITE 6 IN ONE OR TWO GA'S. USDEL
SUPPORTED THIS SUGGESTION. NETHERLANDS DEL NOTED
THAT ILC HAD TOO MUCH WORK ALREADY, AND SUCH REFERENCE
WOULD BE TANTAMOUNT TO BURIAL OF DA. ALTERNATIVELY,
NETHERLANDS DEL SUGGESTED RES WHEREBY SYG WOULD BE

REQUESTED PREPARE ANALYTICAL REPORT OF THIS SESSION
COMITE 6 DEBATE, AS WELL AS RESEARCH RELEVANT PRINCIPLES
OF INTERNATIONAL LAW, AND PRESENT BOTH TO NEXT GA.
FINDEL SUPPORTED NETHERLANDS IDEA AND ADDED THAT 30TH
GA MIGHT DECIDE TO CALL A DIPLOMATIC CONFERENCE OR
SET UP A SPECIAL COMMITTEE ON ITEM. LAST SPEAKER WAS
BELGIUM DEL WHO REITERATED VIEW THAT DEBATE SHOULD BE
HANDLED IN PRUDENT FASHION TO AVOID DIVERSIONARY AND
UNPRODUCTIVE EXERCISES.
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